



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

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DENVER, COLORADO 80202-2466

ADMINISTRATIVE RECORD

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The Honorable Judy Martz
Governor, State of Montana
Capitol Station
Helena, MT 59620-0801

Dear Governor Martz:

I am writing to ask for your support in proposing a Montana site to the Superfund National Priorities List (NPL): the **Libby Asbestos Site**. The NPL is a list of the nation's highest priority hazardous waste sites established under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), commonly known as "Superfund". It is EPA policy to request the concurrence of the Governor of a state prior to submitting a site listing package to EPA Headquarters and try to reach an agreement between EPA and Montana on an NPL listing decision. A decision on whether to propose the site will then be made with a clear understanding of your position. Final listing of the site will make it eligible for the Superfund Trust Fund to pay for cleanup in a timely and efficient manner.

The Libby Asbestos Site has its origins with the discovery of vermiculite outside of Libby, Montana in 1881 by gold miners. In 1919 Edward Alley discovered the unique properties of vermiculite and in the 1920s the Zonolite Company formed and began mining vermiculite. In 1963, W.R. Grace bought the Zonolite mine and operated the mine until it closed in 1990. While in operation, the Zonolite mine in Libby may have produced 80% of the world's supply of vermiculite. Vermiculite has been used in building insulation and as a soil conditioner. Unfortunately, the vermiculite from the Libby mine is contaminated with a toxic form of asbestos called *amphibole asbestiform mineral fibers*, which if inhaled can lead to asbestosis and or lung cancer.

Asbestosis is a restrictive lung disease which can be fatal. In addition, exposure to asbestos can cause lung cancer and a cancer of the lung lining called mesothelioma. While lung cancer has a number of associated causes, asbestosis and mesothelioma are uniquely associated with exposure to asbestos. The EPA is most concerned about people being exposed to airborne asbestos and breathing in the microscopic fibers. EPA is also concerned about the possible community exposures and health effects seen in people with little or no association with the vermiculite mine in Libby.



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In response to local concern and news articles about asbestos-contaminated vermiculite, the EPA sent Region 8 Emergency Response (ER) to Libby, Montana in November 1999. Emergency Response immediately began assessing the situation and collecting information. EPA's first priority was to determine if there was a current risk to public health from asbestos contaminated vermiculite in Libby and to take the necessary actions to reduce or eliminate these risks. Currently, ER has overseen the removal of asbestos contaminated vermiculite from the Export Plant and conducted removals at the Screening Plant, Plummer Elementary School, Libby High School, Libby Middle School and several residential properties.

In order to address long term remedial action at this site, appropriate funding mechanisms must be explored. If financially viable and cooperative Potentially Responsible Parties (PRPs) are found, EPA typically works with those parties to plan, carry out or fund the investigations and cleanups. In instances where no viable PRP can be identified that has sufficient resources to provide a substantial contribution to the response effort, the Superfund Trust Fund may be used to ensure that cleanup proceeds quickly and that any costs could be funded. In accordance with the provisions of CERCLA and implementing regulations which established the Trust Fund, the State of Montana will have to agree to a cost share of 10% of the fund lead remedial action costs either directly, through in-kind services or other arrangements in order for the Superfund Trust Fund to be used. Also, any long term operations and maintenance activities associated with fund lead remedial actions will become the responsibility of the State of Montana.

According to the implementing regulations of CERCLA, access to the Trust Fund for long term remedial actions require that a site is placed on the NPL. The National Oil and Hazardous Substances Pollution Contingency Plan (NCP), the Federal regulation by which CERCLA is implemented, provides three mechanisms for placing sites on the NPL. The primary mechanism is EPA's Hazard Ranking System (HRS). The second mechanism for placing sites on the NPL allows States to designate one top-priority site regardless of HRS score. By CERCLA statute, this State designated site is, to the extent practicable, included among the one hundred highest priority facilities in the country. The third mechanism allows a site to be listed on the NPL if the Agency for Toxic Substances and Disease Registry (ATSDR) issues a health advisory and EPA determines the site poses a significant threat to public health.

Once the site is proposed for listing, EPA will commence a remedial investigation. This investigation will define the extent of contamination and the area in which cleanup may ultimately be needed. Next, EPA will conduct a feasibility study, which will evaluate cleanup alternatives. The public will then be asked to comment on a proposed plan, which describes EPA's preferred alternative for addressing the contamination. Finally, after reviewing the comments, EPA will issue a Record of Decision, describing the selected remedies.



EPA is working closely with local, state and other federal agencies, including: the City of Libby, Lincoln County Commissioners and the Department of Environmental Health; the Montana Department of Environmental Quality (DEQ); the Montana Department of Public Health and Human Services (DPHHS); and ATSDR. Listing on the NPL will allow the agencies to establish a definitive time frame for cleanup, establish priority for access to the Superfund Trust Fund. The proposal for listing on the NPL will also qualify the community for Technical Assistance Grants. These grants provide funds for local community groups to hire technical specialists who assist in reviewing and interpreting technical documents, which helps facilitate communication between the community and the regulatory agencies.

I would appreciate your support regarding this proposed listing. We believe that placing the Libby Asbestos Site on the National Priorities List will help implement long term remedial actions that minimize releases of asbestos and reduce the asbestos exposure of the people of Libby. I respectfully request your written response regarding the proposed listing of this site as soon as possible but no later than 30 days from receipt of this letter. If you have any questions, or would like to meet to discuss this matter, please contact me at 303-312-6308 or Max Dodson at 303-312-6598. Thank you for consideration of this matter.

Sincerely,



Jack W. McGraw
Acting Regional Administrator



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